

Appln. No. 09/752,664

Amendment dated March 4, 2004

Reply to Office Action mailed December 4, 2003

**REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 14 and 17 remain in this application. Claims 15 and 16 have been cancelled. No claims have been withdrawn. Claims 18 and 19 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

**Paragraph 2 of the Office Action**

The drawings have been objected to.

It is submitted that the amendments of the specification set forth above overcome the objection to the drawings, as the reference number "400" is now mentioned in the description of the application.

Withdrawal of the objection to the drawings is respectfully requested.

**Paragraphs 3 and 4 of the Office Action**

The abstract has been objected to for the informalities noted in the Office Action.

The abstract has been amended in a manner believed to clarify the informality in the language noted in the Office Action by adopting the Examiner's suggested language.

Withdrawal of the objection is respectfully requested.

**Paragraph 5 of the Office Action**

Claim 9 has been objected to for the informalities noted in the Office Action.

Claim 9 has been amended in the manner suggested in the Office

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Action, and therefore withdrawal of the objection to claim 9 is therefore respectfully requested.

**Paragraph 6 of the Office Action**

Claim 4 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

Claim 4, which recites "the device control module", depends from claim 3, which recites "wherein the control module further comprises a device control module". Claim 3 is therefore submitted to provide the needed antecedent basis for "the device control module" recitation in claim 4, and therefore withdrawal of the §112 rejection of claim 4 is respectfully requested.

**Paragraphs 7 through 9 of the Office Action**

In paragraph 7 of the Office Action, claims 1 through 4, 9 through 11, 13 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by Lea, International Publication Number WO 99/35753 (hereinafter "Lea").

In paragraph 8, claims 5, 6, 12 and 15 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lea International Publication Number WO 99/35753 in view of Ludtke, U.S. Patent No. 6,237,049 (hereinafter "Ludtke").

And in paragraph 9, claims 7, 8, 16 and 17 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lea International Publication Number WO 99/35753 in view of Ludtke, U.S. Patent No. 6,237,049, in further view of Van Der Meulen et al International Publication Number WO 99/4969 (hereinafter "Van Der Meulen").

Claim 1, particularly as amended, requires "wherein the HAVi compatible device comprises a disk player not having built in ability for presenting content information for a disk inserted into the disk player, and

wherein the control data is for presenting content information about content on the disk to the user". This feature of the invention, discussed in paragraphs 49 and 58 of the published application, permits the invention to present to the user information about the content of the disk media placed in the disk player. This information, such as artist and song information, is retrieved from a remote server and is typically not contained on the disk itself.

Additionally, claim 9 requires "wherein the control data comprises content information retrieved from the remote server about content stored on a medium located on the first usable device, the extended functionality comprising a capability of the first usable device to present the content information on the first usable device". This feature, discussed in the application at paragraphs 49, 57, and 58 of the published application, also provides the advantages set forth above with regard to claim 1.

Further, claim 13 has been amended to include the requirements of claims 15 and 16, such that claim 13 now presents the requirements of claim 16 as originally filed.

In the Office Action, it is initially conceded that "Lea doesn't explicitly disclose that the HAVi compatible device comprises a compact disk player not having built in ability for presenting artist and song information for a compact disk inserted into the compact disk player"<sup>1</sup>. However, it is then contended that "Ludtke, in an analogous environment, discloses that the HAVi compatible device comprises a compact disk player not having built in ability for presenting artist and song information for a compact disk inserted into the compact disk player".

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<sup>1</sup> Paragraph 9 of the Office Action at page 15.

The portion of the Ludtke patent relied upon in the Office Action as a basis for this position is a general statement of objects or goals for the invention, and specifically states:

Furthermore, it would be advantageous to provide a method and system that enables new functionality to be provided in the field to existing consumer electronic media devices networked together by the IEEE 1394 serial communication bus. Moreover, it would be advantageous to provide a method and system that enables consumer electronic media devices manufactured with limited resources, which are networked together by the IEEE 1394 serial communication bus, to exhibit increased functionality for their users. Additionally, it would be advantageous to provide a method and system that enables defective software utilized within consumer electronic media devices, which are networked together by the IEEE 1394 serial communication bus, to be corrected or updated in the field. The present invention provides these advantages.<sup>2</sup>

However, there is no mention of any capability to present information about content (such as artist and song information), and merely because the Ludtke patent states broadly that "increased functionality" for consumer electronics is generally desirable, does not mean that one of ordinary skill in the art would be led by Ludtke to the capability required by applicant's claims 1, 9, and 13.

In fact, the only "increased functionality" that the Ludtke patent discusses for a CD player is the ability to determine the configuration of another consumer electronics device.

Furthermore, data structure 320 allows a consumer electronic media device (e.g., CD player 20) of network 5 to search the configuration ROM 302 of another consumer electronic media device (e.g., VCR 12) for its contents.<sup>3</sup>

It is therefore submitted that rather than suggesting any increased functionality regarding the nature or contents of the media being played in a CD player, the Ludtke patent would lead one of ordinary skill in the art to

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<sup>2</sup> Ludtke at col. 2, lines 52 through 67 (emphasis added).

<sup>3</sup> Ludtke at col. 10, lines 53 through 57.

believed that "increased functionality" for a CD player is the added ability to examine the ROM of another device, such as a VCR, for addressing information about the device.<sup>4</sup> While the Ludtke patent discusses a function that determines a relatively constant characteristic of the consumer electronics device that is stored on the device itself (e.g., the addressing information in ROM 302), the claimed invention is directed to a functionality that determines "artist and song information" of a disk in the player that will change as the disk is replaced with another disk in the player.

Thus, merely because the Ludtke patent suggests that "increased functionality" is generally advantageous does not indicate to one of ordinary skill in the art that Ludtke suggests any particular functionality, especially since the detailed description of the Ludtke patent mentions an additional function that is completely different from the determination of "artist and song information" for the disk in the player.

It is then concluded in the Office Action that:

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ludtke into the system of Lea so that the HAVi compatible device comprises a compact disk player not having built in ability for presenting artist and song information for a compact disk inserted into the compact disk player. The modification would have been obvious because one of ordinary skill in the art would want to display the usefulness of their invention by extending the functionality of a common legacy device, in this case, a compact disk player not

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<sup>4</sup> Note that at col. 10, lines 20 through 33, Ludtke states that the contents of the configuration ROM 302 relate to the addressing of the device:

It should be appreciated that configuration ROM 302 of the present invention is defined by the IEEE 1212 specification, which is well known by those of ordinary skill in the art and is the foundation technology of the IEEE 1394 serial bus specification. One embodiment of configuration ROM 302 is a 64 bit memory space that is divided into two different subsections. One subsection contains the upper 16 bits of address space that are used for storing the identification (ID) of a node, which includes its physical identification (phyID) 304. The other subsection within configuration ROM 302 contains the remaining 48 bits of address space that are used for storing other configuration ROM data structures 306 pertaining to the specific node, e.g., its Global Unique Identification (GUID) value.

having the ability for presenting artist and song information for a compact disk.<sup>5</sup>

One of ordinary skill in the art could "display the usefulness of their invention" in many ways, and this would not suggest to the skilled artisan the particular functionality of the claimed invention over any other "increased functionality", especially in light of the above discussion noting the differences between the "increased functionality" that is actually discussed in Ludtke, and the particular extended functionality required by the claims. There are a large number of functions that a legacy CD player lacks, and to assert that one of ordinary skill in the art would be led to any one particular function absent from a legacy CD player is without basis in the cited patent documents.

Additionally, it is recognized in the Office Action that "Lea further doesn't explicitly disclose that the control data is for presenting artist and song information for the compact disk to the user"<sup>6</sup>, and it is further alleged that "Van Der Meulen, in an analogous environment, discloses that the control data is for presenting artist and song information for the compact disk to the user, (p. 6 line 32 - p. 7 line 4, "the unique identifier that is associated with commercial CDs ... (is provided) to the information source ... to obtain detailed information regarding each commercial CD, such as title, performer, etc)")"<sup>7</sup>. However, any basis for the "analogous environment" allegation relies solely upon the assertion that the Ludtke patent suggests that the "increased functionality" aspect of Ludtke necessarily leads one of ordinary skill in the art to the provision of "artist and song information". It is submitted that, in view of the above, the generalities of the Ludtke patent do not lead one to the particularized requirements of the claims regarding providing information about content on a medium. Thus, as Ludtke does not provide the motivation to present

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<sup>5</sup> Office Action at page 16 (bold emphasis removed).

<sup>6</sup> Office Action at page 16 (bold emphasis removed)

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"artist and song information", one of ordinary skill in the art is also not led to the system of retrieving information discussed in Van Der Meulen.

It is therefore submitted that the patent documents cited in the Office Action could not fairly lead one of ordinary skill in the art to the requirements of claims 1, 9, and 13 set forth above.

Withdrawal of the §102(b) rejection of claims 1 through 4, 9 through 11, 13 and 14 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 5, 6, 12 and 15 is therefore respectfully requested.


Withdrawal of the §103(a) rejection of claims 7 and 8 is therefore respectfully requested.

### CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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<sup>7</sup> Office Action at page 16 (bold emphasis removed).